

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

NICKELS AND DIMES  
INCORPORATED,

Plaintiff,

v.

NOAH'S ARCADE, LLC, BEN  
KONOWITZ, RYAN HART,

Defendants.

CASE NO. 3:23-CV-699-DRL-MGG

ORDER

In accordance with Rule 16 of the Federal Rules of Civil Procedure, this cause is now set for a **Telephonic Rule 16 Preliminary Pretrial Conference** before Magistrate Judge Michael G. Gotsch, Sr., to be held on **November 29, 2023 at 11:15 AM (E.D.T.)**. Trial Counsel are required to participate.

To connect to the conference, parties should dial 833-568-8864, enter meeting ID number 160 4237 7854#, push # to skip entry of a participant ID and enter passcode 356255# at least five minutes before the conference start time.

Counsel shall indicate whether their clients are willing to consent to transfer this case to a Magistrate Judge for all purposes, including trial, by either executing and submitting the consent form or orally inform the court at the Rule 16 Preliminary Pretrial Conference to consent.

At the conference, counsel shall be prepared to address the following:

1. A proposed Discovery Plan under Fed. R. Civ. P. 26(f) to be filed no later than **November 14, 2023**. Counsel are directed to the Court's website for a suitable form of report and discovery plan ("**Report of the Parties Planning Meeting**"). At the conference, the Court will address those topics listed at Fed. R. Civ. P. 16(b) and (c). Failure to timely file the report and proposed discovery plan may result in the imposition of sanctions in accordance with Fed. R. Civ. P. 16(f). At the conference, it is anticipated that the Court will approve or modify the Report of Parties' Planning Meeting.

2. Consideration of the various forms of Alternative Dispute Resolution (“ADR”) available<sup>1</sup> to include mediation. If mediation is selected, the parties shall identify the mediator and in the event counsel cannot agree on a mediator, then the Court will make the selection. Counsel may review the list of mediators located on the Court’s website at *innd.uscourts.gov*, under *Info/Forms*, prior to the preliminary pretrial conference.

**SO ORDERED** this 17th day of October 2023.

s/Michael G. Gotsch, Sr.  
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Michael G. Gotsch, Sr.  
United States Magistrate Judge

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<sup>1</sup>The attention of counsel is specifically directed to the Court’s ADR Pamphlet (1/96) located at the Court’s website.